

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Timothy Erwin,	:	Case No. 1:16-cv-01166-MRB
	:	
Plaintiff,	:	Judge Michael R. Barrett
	:	
v.	:	
	:	
Village of Morrow, Ohio,	:	PLAINTIFF’S MOTION FOR
	:	POST-JUDGMENT INTEREST
Defendant.	:	
	:	

Now comes Plaintiff Timothy Erwin, by and through undersigned counsel, and moves the Court for an order for the award of post-judgment interest on the judgment in Plaintiff’s favor. The accompanying Memorandum supports the Plaintiff’s motion.

Respectfully submitted,

/s/ James A. Whitaker
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MEMORANDUM

I. INTRODUCTION & RECITALS

The judgment was granted to the Plaintiff. There is a pending post-judgment motion for costs and legal fees are as follows:

1. The total jury verdict in favor of Plaintiff is in the sum of \$781,500.00. The total verdict was for damages in the amount of \$781,500.00. (Doc. 131, PageID 2508.)
2. Plaintiff's pending motion for Plaintiff's costs of the litigation is in the sum of \$16,651.76.
3. Plaintiff's pending motion for legal fees as of May 20, 2021 is in the sum of \$328,875.96.
4. Plaintiff's total outstanding claim against the defendant is for \$1,127,027.72.

Plaintiff moves the Court for an order awarding post-judgment interest pursuant to 28 U.S.C. § 1961.

II. LAW & ARGUMENT

28 U.S.C. § 1961

- a) Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding. [FN1] the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges.
- b) Interest shall be computed daily to the date of payment except as provided in section 2516(b) of this title and section 1304(b) of title 31, and shall be compounded annually

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July 2021, a copy of the foregoing was electronically filed with the Clerk of Courts using the CM/ECF system which will send notification of such filing to the following:

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/s/ James A. Whitaker

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